

**FILED**

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT  
ROSWELL, NEW MEXICO

## UNITED STATES DISTRICT COURT

MAY 08 2025

for the

District of New Mexico

MITCHELL R. ELFERS  
CLERK OF COURT

United States of America

v.

Jorge DE LA CRUZ

Case No. 25-MJ-1322

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 28, 2022 - January 7, 2025 in the county of Chaves and elsewhere in the  
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*21 U.S.C. §§ 841(a)(1) and (b)(1)  
(B)Possession with Intent to Distribute 5 Grams and More of Actual  
Methamphetamine21 U.S.C. §§ 841(a)(1) and (b)(1)  
(B)

Possession with Intent to Distribute 40 Grams and More of Fentanyl

18 U.S.C. § 924(c)(1)

Use and Carry a Firearm During and in Relation to a Drug Trafficking Crime,

18 U.S.C. § 922(g)(1)

and Possession of a Firearm in Furtherance of a Drug Trafficking Crime  
Possession of a Firearm and Ammunition by a Convicted Felon

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

HSI Special Agent Daniel Ortiz

Printed name and title

Electronically submitted and telephonically sworn to before  
me.

Date:

5/8/25



Judge's signature

City and state:

Roswell, New Mexico

Barbara S. Evans, United States Magistrate Judge

Printed name and title

**United States of America****v.****Jorge De La Cruz****June 28, 2022**

On June 28, 2022, a Roswell Police Department (RPD) officer responded to a residence in Roswell, New Mexico (NM) after dispatch received a call from a concerned citizen that said a subject named Jorge was in front of the residence, consuming drugs, and armed with a firearm. As the officer arrived on scene, he observed a black 2011 Chevy truck parked in the roadway in front of the residence. The officer made contact with the driver and sole occupant of the vehicle, who was identified as Jorge De La Cruz. During the officer's encounter with De La Cruz, the officer noticed that De La Cruz was visibly shaking and was not following the officer's request to lower the back window. After some time, De La Cruz exited the truck on his own and stood in the front lawn area of the house.

A canine officer deployed his canine partner on the truck that De La Cruz had been in which resulted in a positive alert for narcotics. The vehicle was secured and towed pending a search warrant.

Later that day, a State District Court search warrant for narcotics was executed on the vehicle. A firearm was located on the center console of the truck. The officers stopped the execution of a warrant and obtained an amended warrant to include firearms and firearm accessories after learning De La Cruz had a felony conviction. After receiving the amended warrant, agents searched the vehicle and found a loaded stolen Rossi .38 revolver, 1.13 net grams of 100% pure methamphetamine, an unknown brown substance, and drug paraphernalia.

**February 7, 2023**

On February 7, 2023, Chaves County Metro Narcotics Task Force (CCMNTF) agents were conducting surveillance at the same residence that De La Cruz was found at on June 28, 2022. CCMNTF had received information that a wanted fugitive was staying at the address and driving a black truck. Upon arrival agents observed a black 2001 Chevrolet truck parked at the far end of the driveway. Agents maintained surveillance until the truck departed the residence and observed that the driver and sole occupant of the vehicle matched the description of the fugitive. Agents conducted a traffic stop and the driver was determined to be De La Cruz. After identifying De La Cruz, agents learned that De La Cruz had an active warrant for his arrest. A pat down of De La Cruz agents found a small amount of suspected methamphetamine in left sock. As agents were clearing the vehicle for other occupants, agents observed in plain view a firearm in the driver's seat.

On February 8, 2023, a State District Court search warrant was issued for the truck used by De La Cruz. A search of the truck revealed a Taurus 9mm handgun, 5.24 net grams of methamphetamine with a purity of 99%, 7.45 grams fentanyl all on the driver's seat. A .357 revolver was found under the center console, a Ruger AR-15 behind the passenger seat, and loaded AR-15 magazines in the rear pocket of the driver's seat.

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On February 16, 2023, a State District Court DNA search warrant was issued for De La Cruz. On the same date the warrant was executed, and De La Cruz's DNA was obtained.

On November 8, 2023, the NMDPS Forensic Laboratory returned DNA results which indicated that De La Cruz' DNA came back on the Taurus 9mm handgun, the Ruger AR-15, and the .357 Ruger Revolver (with a likelihood 1 in 16 septillion). Other DNA samples were also located on these firearms; however, according to the report, De La Cruz' had the major DNA profile for all three firearms.

**April 16, 2024**

On April 16, 2024, CCMNTF agents were conducting a surveillance at 208 W. Alameda Street in Roswell, New Mexico. Prior to conducting surveillance, a CCMTF agent obtained a State District Court drug search warrant for the owner of the residence and the residence. While conducting surveillance, CCMTF agents observed De La Cruz exit the residence and go to the trunk area of a red Hyundai that was parked in the driveway. Agents made the decision to secure the residence while De La Cruz was outside the vehicle. As CCMTF agents approached in their unmarked units, De La Cruz recognized one of the law enforcement vehicles, ran inside the house, and locked the door. CCMTF agents identified themselves as "Police," but none of the occupants exited the residence. CCMTF agents were able to successfully breach the front window. After breaching the window, CCMTF observed the owner of the residence and De La Cruz in the living room area.

Two occupants in the home were detained and searched. During a search of De La Cruz, agents found a cell phone, \$1,187 in cash, and drug packaging materials on his person. De La Cruz was arrested for resisting, evading and obstructing an officer and transported to the Chaves County Detention Center.

A search of the residence revealed a loaded Glock 19, 9mm, handgun with an extended magazine, a bag containing 4.87 net grams of fentanyl, and other drug paraphernalia in the northeast bedroom. A CCMTF agent applied for an amended district court search warrant to include the red Hyundai which was parked in the driveway and believed to belong to De La Cruz.

A search of the red Hyundai revealed a black backpack in the back seat of the vehicle. Inside of the backpack, CCMTF agents discovered mail correspondence from the New Mexico Law Offices of the Public Defender in Roswell, NM addressed to De La Cruz, two cell phones, drug paraphernalia, a bag with 2.67 net grams of methamphetamine with a purity of 69%, and a bag of suboxone strips. Also discovered in the backpack was a Glock pistol magazine loaded with the same ammunition as the handgun located in the residence and one loose 9mm round.

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On April 17, 2024, an ATF agent conducted a post-Miranda interview of De La Cruz for the April 16, 2024, search. De La Cruz admitted that he had been convicted of a felony about six years previously.

**October 2, 2024**

On October 2, 2024, Pecos Valley Drug Task Force (PVDTF) agents conducted a traffic stop on a black Jeep in Eddy County, New Mexico. Prior to the traffic stop, a PVDTF agent recognized the driver as De La Cruz and the agent also knew that De La Cruz had an active warrant for his arrest. De La Cruz was the driver and sole occupant of the Jeep. A PVDTF agent deployed his canine partner which resulted in a positive alert for narcotics on the Jeep. The Jeep was secured and towed pending a search warrant.

On October 3, 2024, a State District Court search warrant was issued for the Jeep. A search of the Jeep revealed a loaded Tisas handgun, a stolen Springfield XDS handgun, 14.98 net grams of methamphetamine with a purity of 100%, 1.07 net grams fentanyl, 1.09 net grams of cocaine, baggies, cell phones, ammunition, and magazines.

An examination of one of the phones revealed that De La Cruz was offering drugs and guns for sale. Also, in the phone were images of firearms. For example:

On October 10, 2024, De La Cruz received a text from an unsaved contact ending in telephone number (TN) 7521, hereinafter TN7521. TN7521 stated, "Ay I've got a bill for ps and work."

Based on my training and experience, the word "ps/p's" is a code word referencing fentanyl pills. I also know that the word "work" is used to reference the distribution of drugs more commonly when referencing methamphetamine. Thus, I believe that in the above conversation that the buyer was telling De La Cruz that they had \$100 for fentanyl and methamphetamine to purchase from De La Cruz

On October 2, 2024, De La Cruz had a conversation with an unsaved contact ending in TN: 1480, hereinafter TN1480. TN1480 sent, "Cool cool u got them toys boii??" De La Cruz responded, "I'm gking to pick them up I already paid for them." TN1480 asked how much are they gonna cost me?" De La Cruz answered, "I'm bringing more than two."

Based on my training and experience, the term "toys" is a code word used to refer to firearms. I believe in this conversation, De La Cruz was telling the buyer, TN1480, that De La Cruz was going to pick up firearms that De La Cruz already paid for. I also believe that De La Cruz was telling TN1480 that De La Cruz was bringing back more than two firearms.

During a post-Miranda interview, De La Cruz stated the vehicle did not belong to him. Agents told De La Cruz that agents had conducted a search warrant on the vehicle and asked De La Cruz

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what he thought agents found. De La Cruz answered, “toys and a little bit of dope.” Agents asked if De La Cruz was a felon. De La Cruz answered yes. During the interview, De La Cruz stated that he did not sell drugs, and De La Cruz stated that he was not aware the guns were in the vehicle until after he was arrested.

**January 7, 2025**

January 7, 2025, Las Cruces Strike Force (LCSF) agents called in a BOLO to the Alamogordo Border Patrol (BP) Hwy 70 checkpoint for De La Cruz. Prior to the BOLO being sent to BP, LCSF had received information that De La Cruz was going to pick up fentanyl pills in El Paso, Texas. At the checkpoint, a white BMW was encountered and stopped by BP. De La Cruz was identified as the driver, and he was traveling with two other individuals. The BP agent asked for consent to perform a canine search of the vehicle, and De La Cruz agreed. A canine inspection resulted in a positive alert for narcotics. The BP agent asked De La Cruz if they could search the car, and De La Cruz agreed. A search of the car revealed a black backpack behind the driver’s seat. Inside the backpack, agents located a stolen Ruger 9mm, 94.04 net grams of fentanyl and 8.27 net grams of methamphetamine with a purity of 98.8%, drug paraphernalia, ammunition, and a magazine. The methamphetamine was bundled within the fentanyl and was not found until the fentanyl packaging was cut into.

During a post Miranda interview, De La Cruz stated that they were traveling from Las Cruces back to Artesia. De La Cruz stated that they dropped off a friend in Las Cruces as a favor to one of his passengers. De La Cruz claimed that he did not know anything about the black backpack or its contents.

On January 21, 2025, RPD arrested De La Cruz after fleeing from law enforcement in a stolen vehicle. De La Cruz was accompanied by a minor child during this encounter. At that time De La Cruz’s cell phone was seized.

On January 27, 2025, a State District Court search warrant was approved for De La Cruz’ cell phone that was seized on January 7, 2025. An examination of the phone revealed that De La Cruz was distributing narcotics and buying/selling firearms. For example:

On January 9, 2025, De La Cruz sent a message saying “but I got bombass ps 10 a pop” to an unsaved TN ending in 0878, hereinafter TN0878.

Based on my training and experience, I believe De La Cruz was telling the user of TN0878 that De La Cruz had fentanyl for sale at \$10 per pill.

On January 18, 2025, De La Cruz sent a message to an unsaved TN ending in 7401, hereinafter TN7401. De La Cruz sent, “I need some toys to handle some shit.”

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Based on my training and experience, I believe De La Cruz was asking TN7401 for firearms because De La Cruz needed them to handle some situation.

The examination of the phone further revealed that De La Cruz coordinated the purchase of the fentanyl that was seized by BP agents on January 7, 2025.

Based on my training and experience, the amount of methamphetamine and fentanyl found in these incidents are consistent with trafficking and distribution and not consistent with personal use. Further, I know based on my training and experience, that drug traffickers often carry firearms to protect themselves, their product, and/or their drug proceeds.

I have reviewed De La Cruz' criminal history which revealed De La Cruz had a felony conviction in NM. In 2019, De La Cruz was convicted of aggravated assault with a deadly weapon and possession of a controlled substance in cause number D-504-CR-2017-439 and was sentenced to eighteen months confinement, eighteen months suspended, and twelve months of parole. De La Cruz's probation was later revoked, and he was sentenced to 18 months confinement.

I have consulted with an Interstate Nexus trained Special Agent who advised that none of the seized firearms nor ammunition were manufactured in the State of New Mexico and that the firearms and ammunition seized in this case therefore must have traveled in and affected interstate commerce before De La Cruz possessed them.

Wherever in this affidavit a precise amount and type of narcotics they were tested by a laboratory and tested positive to the substance and net weight identified in this affidavit.

Based on the above, there is probable cause to believe that on June 28, 2022, through January 7, 2025, in the District of New Mexico, De La Cruz committed the following offense:

Possession with Intent to Distribute 5 Grams and More of Actual Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B);

Possession with Intent to Distribute 40 Grams and More of Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B);

Use and Carry a Firearm During and in Relation to a Drug Trafficking Crime, and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1).

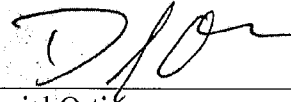
Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1).

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AUSA Kirk Williams authorized federal prosecution of De La Cruz for the above-referenced crimes.



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Daniel Ortiz  
Special Agent  
Homeland Security Investigations

Electronically submitted and telephonically  
Sworn to before me on this 8 day of May,  
2025.



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Barbara S. Evans  
United States Magistrate Judge